

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

ROGER BRUNELUS,

Plaintiff,

v.

MODEL ROW INC.,

ROBERT BORN,

Defendants.

COMPLAINT

{Jury Trial Demanded}

Plaintiff, ROGER BRUNELUS (“Brunelus”), brings this action against Defendants, MODEL ROW INC. (“Model Row”) and ROBERT BORN (“Born”), and alleges as follows:

1. This is an action arising under the Fair Labor Standards Act 29 U.S.C. §§ 201-219 (“FLSA”). Jurisdiction is conferred on this Court by 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).
2. At all times material hereto, Brunelus was a resident of Florida and an “employee” of Defendants as defined by the FLSA.
3. At all times material hereto, Model Row was a Florida corporation that regularly transacted business in Broward County, Florida.
4. Born is an FLSA employer as defined in 29 U.S.C. § 203(d), is an owner and/or manager of Model Row, ran the day-to-day operations and had operational control over Model Row, and was directly involved in decisions affecting duties, employee compensation, and hours worked by employees, such as Brunelus.
5. Model Row’s business involves landscaping.

6. Defendants have employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce including but not limited to computers, phones, pens, and paper.
7. Upon information and belief, Model Row's gross sales or business done was in excess of \$500,000 per year at all times material hereto.
8. Model Row was an enterprise engaged in commerce or the production of goods for commerce and is covered by the FLSA at all times material hereto.
9. Brunelus worked for Defendants as a laborer.
10. Defendants failed to pay Brunelus's full and proper overtime wages.
11. Defendants knowingly and willfully refused to pay Brunelus's legally-entitled wages.
12. Attached as **Exhibit A** is a preliminary calculation of Brunelus's claims. These amounts may change as Brunelus engages in the discovery process.
13. Brunelus retained the services of the undersigned and is obligated to pay for the legal services provided.

COUNT I
VIOLATION OF THE FAIR LABOR STANDARDS ACT
AGAINST ALL DEFENDANTS

14. Plaintiff realleges and incorporates the allegations set forth in paragraphs 1-13 above as if set forth herein in full.
15. Plaintiff alleges this action pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 216 (b), that Plaintiff is entitled to: (i) time-and-a-half overtime pay and (ii) liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.
16. Plaintiff seeks recovery of damages as referenced above and further seeks interest, costs, and attorneys' fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, plus costs, reasonable attorneys' fees, and such other remedy as the court deems just and appropriate.

Respectfully submitted,

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